

**STATE OF CALIFORNIA**

**MEDICAL BOARD OF CALIFORNIA**

**PHYSICIAN ASSISTANT COMMITTEE**

**Manual of  
DISCIPLINARY GUIDELINES  
and  
MODEL DISCIPLINARY ORDERS**

**3<sup>rd</sup>~~2<sup>nd</sup>~~-Edition, 2002~~7~~**

PHYSICIAN ASSISTANT COMMITTEE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

**DISCIPLINARY GUIDELINES AND  
MODEL DISCIPLINARY ORDERS**

***Introduction***

**Purpose**

This *Manual of Disciplinary Guidelines and Model Disciplinary Orders* is intended as a guide to persons involved in setting administrative disciplinary terms and conditions for violations by licensed physician assistants of the Physician Assistant Practice Act, and other laws and regulations. Use of these guidelines will help ensure that the selected terms and conditions are appropriate and consistent with decisions reached in comparable disciplinary actions.

Persons directly involved in the administrative disciplinary process of a California licensed physician assistant are the intended audience for this booklet. Appropriate users of these guidelines and model orders include administrative law judges, defense attorneys, physician assistant-respondents, trial attorneys from the Attorney General's Office, committee members (who review proposed decisions and make final decisions), the committee's executive officer, and others.

*The Model Disciplinary Guidelines identify the recommended terms and conditions for each of the listed violations of the Business and Professions Code.*

*The Model Disciplinary Orders contain three sections of proposed language for the Disciplinary Order itself, for Optional Conditions and for Standard Conditions. Optional Conditions should be relevant to the sustained violations and any significant mitigating or aggravating circumstances of the particular case. Standard Conditions should appear in all probation cases. All orders should place the Order(s) first, optional conditions(s) second, and standard conditions third.*

**Policy**

The Physician Assistant Committee (PAC) recognizes that the penalties and conditions of probation contained in this booklet are merely guidelines. Selecting conditions of discipline appropriate to individual cases may necessitate variations from these guidelines, for taking into account particular mitigating or aggravating circumstances. However, absent significant extenuating circumstances, the penalty and probation provisions of these guidelines should be followed by those individuals representing the committee in disciplinary actions.

Whenever a Proposed Decision or stipulation varies from the conditions contained in the following guidelines, the committee encourages both the deputy attorney general who negotiated the stipulation or the administrative law judge who heard the case to explain any deviations or omissions from the guidelines. The committee will then be better informed and understand the circumstances and reasons for any changes or deviations from these disciplinary guidelines.

## **Authority**

Authority for the committee to establish disciplinary guidelines is contained in Government Code Section 11425.50(e). The disciplinary guidelines are incorporated as part of Title 16 CCR 1399.523.

## **Violations**

All concerned individuals, and especially the trier of law, should be aware that any violation of the Medical Practice Act, which would constitute unprofessional conduct by a physician and surgeon is also grounds for a finding of unprofessional conduct for a physician assistant. Furthermore, in addition to the grounds set forth in Business and Professions Code, Chapter 7.7, Section 3527(a), other grounds for action are set forth in California Code of Regulations, Title 16, Chapter 13.8, Section 1399.521.

## **Changes and Variations from the Guidelines**

Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the PAC in its sole discretion determines that the facts of the particular case warrant such a deviation—for example, the presence of mitigating factors, the age of the case, evidentiary problems, etc.

Whenever a Proposed Decision issued by an administrative law judge varies from the conditions contained in the following guidelines, the committee encourages both the deputy attorney general who drafted the Accusation and the administrative law judge who heard the case to include an explanation of any deviations or omissions from the guidelines in the conditions of the Proposed Decision. The committee will then be better informed and understand the circumstances and reasons for any changes and variations from these disciplinary guidelines during its review of the case for ultimate action.

Authority for the committee to establish disciplinary guidelines is contained in Government Code Section 11425.50(e). The disciplinary guidelines are incorporated as part of Title 16 CCR 1399.523.

If you need additional information or clarification, please contact the Physician Assistant Committee at (916) 561-8780.

## **Probation Conditions**

Probation conditions are divided into two categories:

- 1) **Standard Conditions.** (These conditions are generally applicable to all probation cases.)
- 2) **Optional Conditions.** (Selection and use of these conditions depend on the nature and circumstances of the particular case.)

## **Standard Conditions**

The standard conditions generally appearing in every probation case are listed below.

*Note: A number in parentheses ( ) refers to a specific model condition that is spelled out in the Model Disciplinary Orders that appear later in this manual.*

1. — Obey all laws (32)
2. — File quarterly reports (33)
3. — Cooperate with probation surveillance (34)
4. — Interview with medical consultant (35)
5. — Tolling of probation if respondent moves out-of-state (36)
6. — Initial probation review (37)
7. — Unannounced clinic site visits (38)
8. — Completion of probation (39)
9. — Violation of probation (40)
10. — Cost Recovery (41)
11. — Voluntary License Surrender (42)

### **Optional Conditions**

Optional conditions may include, but are not limited to, imposing a period of actual license suspension, establishing various scope of practice restrictions, a requirement to take remedial education courses, and providing free public services. The optional conditions selected will be relevant to the sustained violations and any significant mitigating circumstances. (See detailed listing of optional conditions located toward the end of this manual.)

# Disciplinary Guidelines

## Index to Disciplinary Guidelines by Cause for Discipline

Many, but not all, causes for discipline and for California physician assistant license restriction are listed below. They are presented in numerical order of their associated statute section number(s) in the State of California's Business and Professions Code (B&P) and the Government Code (Gov't Code). The Disciplinary Guideline and Optional Conditions that are associated with the specific cause for discipline are found in this manual on the page listed to the right of the specific Cause for Discipline.

<i>B&amp;P Section</i>	<i>Cause for Discipline</i>	<i>Disciplinary Guideline Page</i>
<u>141</u>	<u>Discipline by Other Agencies</u>	<u>6</u>
<u>651</u>	<u>Deceptive Advertising</u>	<u>6</u>
<u>725</u>	<u>Excessive Treatments</u>	<u>6</u>
<u>726, 729, 3527(a)</u>	<u>Sexual Misconduct</u>	<u>6</u>
<u>729</u>	<u>Sexual Misconduct</u>	<u>6</u>
<u>820</u>	<u>Mental or Physical Illness</u>	<u>7</u>
<u>2054</u>	<u>Unlawful Representation as a Physician</u>	<u>7</u>
<u>2054, 2278</u>	<u>Use of Title "Doctor"</u>	<u>7</u>
<u>2234(b)</u>	<u>Gross Negligence</u>	<u>8</u>
<u>2234(c)</u>	<u>Repeated Negligent Acts</u>	<u>8</u>
<u>2234(d)</u>	<u>Incompetence</u>	<u>8</u>
<u>2234(e), 3527(a)</u>	<u>Dishonesty</u>	<u>8</u>
<u>2235</u>	<u>Procuring License by Fraud</u>	<u>89</u>
<u>2236, 3527(a)</u>	<u>Criminal Conviction</u>	<u>89</u>
<u>2237</u>	<u>Conviction Related to Drugs</u>	<u>9</u>
<u>2238, 3527(a)</u>	<u>Violation of Drug Statutes</u>	<u>9</u>
<u>2239, 3527(a)</u>	<u>Self Abuse of Drugs or Alcohol Abuse</u>	<u>910</u>
<u>2239, 3527(a)</u>	<u>Alcohol Abuse</u>	<u>10</u>
<u>2241, 3527(a)</u>	<u>Furnishing Drugs or Transmitting Drug Orders to Addict</u>	<u>140</u>
<u>2242, 3527(a)</u>	<u>Administering or Furnishing Drugs, or Transmitting Drug Orders, Without Prior Good Faith Examination</u>	<u>120</u>
<u>2252</u>	<u>Illegal Cancer Treatment</u>	<u>120</u>
<u>2261, 3527(a)</u>	<u>Making or Signing False Documents</u>	<u>131</u>
<u>2262</u>	<u>Alteration of Medical Records</u>	<u>131</u>
<u>2264, 3527(a)</u>	<u>Aiding and Abetting Unlicensed Practice</u>	<u>131</u>
<u>2266</u>	<u>Failure to Maintain Adequate Records</u>	<u>11</u>
<u>2271, 651, 3527(a)</u>	<u>Deceptive Advertising</u>	<u>136</u>
<u>2278</u>	<u>Use of Title "Doctor"</u>	<u>7</u>
<u>2280</u>	<u>Intoxication or Impaired While Treating Patients</u>	<u>9</u>
<u>2288</u>	<u>Impersonation of Applicant in Exam</u>	<u>142</u>
<u>2305, 3527(a)</u>	<u>Discipline by Another State</u>	<u>146</u>
<u>B&amp;P Section</u>	<u>Cause for Discipline</u>	<u>Disciplinary Guideline Page</u>
<u>2306, 3527(a)</u>	<u>Practice During Suspension</u>	<u>142</u>
<u>3502.1</u>	<u>Drug Order Authority</u>	<u>142</u>
<u>3527(a)</u>	<u>Discipline by Another State or Agency</u>	<u>6</u>
<u>3527(a)</u>	<u>Deceptive Advertising</u>	<u>6</u>
<u>3527(a)</u>	<u>Sexual Misconduct</u>	<u>6</u>
<u>3527(a)</u>	<u>Dishonesty</u>	<u>8</u>

<u>3527(a).....</u>	<u>Criminal Conviction.....</u>	<u>8</u>
<u>3527(a).....</u>	<u>Violation of Drug Statutes.....</u>	<u>9</u>
<u>3527(a).....</u>	<u>Drug or Alcohol Abuse.....</u>	<u>9</u>
<u>3527(a).....</u>	<u>Furnishing Drugs or Transmitting Drug Orders to Addict..</u>	<u>10</u>
<u>3527(a).....</u>	<u>Administering or Furnishing Drugs, or Transmitting</u>	
	<u>Drug Orders, Without Prior Good Faith Examination .....</u>	<u>10</u>
<u>3527(a).....</u>	<u>Illegal Cancer Treatment. ....</u>	<u>10</u>
<u>3527(a).....</u>	<u>Making or Signing False Documents.....</u>	<u>11</u>
<u>3527(a).....</u>	<u>Aiding and Abetting Unlicensed Practice.....</u>	<u>11</u>
<u>B&amp;P Section</u>	<u>Cause for Discipline</u>	<u>Page</u>
<u>3527(a).....</u>	<u>Failure to Maintain Required Patient Records.....</u>	<u>11</u>
<u>3527(a).....</u>	<u>Practice During Suspension .....</u>	<u>12</u>
<u>3527(a).....</u>	<u>Administering or Furnishing Drugs, or Transmitting</u>	
	<u>Drug Prescriptions <u>Orders</u> not Prescribed by</u>	
	<u>Supervising Physician.....</u>	<u>142</u>
<u>3527(a).....</u>	<u>Practice Medicine Without Delegated Authority from a</u>	
	<u>Supervising Physician.....</u>	<u>12</u>
<u>3527(a).....</u>	<u>Exceeding Delegated Scope of Practice .....</u>	<u>12</u>
<u>3527(a).....</u>	<u>Practicing Without Adequate Supervision.....</u>	<u>12</u>
<u>3527(a).....</u>	<u>Failure to Report Child/Elder/Spousal Abuse .....</u>	<u>153</u>
<u>3527(a).....</u>	<u>Failure to Follow Guidelines for Prevention</u>	
	<u>of Transmission of Blood Borne Pathogens.....</u>	<u>163</u>
<u>3527(a).....</u>	<u>Failure to Maintain Required Patient Records.....</u>	<u>16</u>
<u>3527(a).....</u>	<u>Performance of Surgical Procedures Requiring</u>	
	<u>Anesthesia Other Than Local Anesthesia Without</u>	
	<u>Personal Presence of a Supervising Physician.....</u>	<u>173</u>
<u>Gov't Code Section</u>	<u>Cause for Discipline</u>	<u>Disciplinary Guideline Page</u>
<u>11519(b).....</u>	<u>Violation of Probation.....</u>	<u>174</u>

# ***Disciplinary Guidelines***

## **and Optional Conditions for California Licensed Physician Assistants**

### **Overview**

Violations of laws governing the practice of California licensed physician assistants can include, but are not limited to, the following examples.

Each referenced cause for discipline is followed by Disciplinary Guidelines that relate to the cause for discipline. These recommended disciplinary conditions, designed by the committee to address specific causes for discipline, should be prudently applied in conjunction with the Standard Conditions discussed above.

Other specific Optional Conditions that may also be applied, when deemed appropriate to the circumstances of a specific case, are preceded with the phrase, "If warranted,".

Note: A number in parentheses ( ) refers to a specific model condition spelled out in the Model Disciplinary Orders that are presented near the end of this manual. The Index to the Physician Assistant Committee's Model Disciplinary Orders is found on page 20 of this manual.

### ***Causes for Discipline and License Restriction***

**Unless otherwise indicated, all Section references are to the Business and Professions Code Sections.**

#### **§141, §2305, & §3527(a) DISCIPLINE BY ANOTHER STATE OR AGENCY**

Minimum penalty: Same for similar offense in California

Maximum penalty: Revocation

#### **§651, §2271, & §3527(a) DECEPTIVE ADVERTISING** **§2285 PRACTICE UNDER FALSE OR FICTITIOUS NAME**

Minimum penalty: Stayed Revocation, at least 2 years probation

Maximum penalty: Revocation

1. Suspension of 30 days or more (5)

2. Ethics course (17)

#### **§725 EXCESSIVE TREATMENTS B&P 725**

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. Education course (16)

- ~~12. If warranted, Ssuspension of 60 days or more (58)~~
- ~~2. Controlled drugs - partial restriction of drug order authority (6)~~
- ~~3. Controlled drug - total restriction of drug order authority (7)~~
- ~~4. Controlled drugs – maintain record (8)~~
- ~~5. Medical record keeping course (14)~~
- ~~6. Education course (15)~~
- ~~3. If warranted, ethics course (17)~~
- ~~74. If warranted, Cclinical training program (18)~~
- ~~8. Ethics course (17)~~
- ~~5. If warranted, monitoring/supervision (21)~~
- ~~96 If warranted, restrict Prohibited practice areas incompetence (223)~~
- ~~7. If warranted, restrict drug order authority (9)~~
- ~~8. If warranted, restricted practice – patients (25)~~
- ~~109 If warranted, Mmaintenance of patient medical records (236)~~
- ~~110. If warranted, Qen-site supervision (247)~~
- ~~11. If warranted, case-by-case review of patient (28)~~
- ~~12. If warranted, surrender DEA permit (10a)~~

## **§726, §729, & §3527(a) SEXUAL MISCONDUCT B&P 726 729, 3527(a)**

Minimum penalty: Stayed revocation, at least 7 years probation

Maximum penalty: Revocation

- ~~1. Psychological evaluation/treatment (19)~~
- ~~NOTE: This condition is for those cases where the evidence demonstrates that mental illness or disability was a contributing cause of the violation.~~
- ~~1. Education course (16)~~
- ~~2. Ethics course (17)~~
- ~~13. If warranted, Ssuspension of 60 days or more (58)~~
- ~~2. Controlled drugs – partial restriction of drug order authority (6)~~
- ~~3. Controlled drugs – total restriction of drug order authority (7)~~
- ~~4. Controlled drugs – maintain record (8)~~
- ~~5. Abstain from drugs (9)~~
- ~~6. Abstain from alcohol (10)~~
- ~~7. Biological fluid testing (11)~~
- ~~84. If warranted, Ddiversion program (124)~~
- ~~9. Community service (13)~~
- ~~10. Education course (15)~~
- ~~115. If warranted, Cclinical training program (168)~~
- ~~12. Ethics course (17)~~
- ~~13. Professional boundaries program (18)~~
- ~~146. If warranted, Ppsychological evaluation/treatment (19)~~
- ~~157. If warranted, Mmedical evaluation/treatment (20)~~
- ~~8. If warranted, monitoring/supervision (21)~~
- ~~169. If warranted, Tthird party chaperone presence (212)~~
- ~~170. If warranted, Pprohibited practice areas- setting (224)~~
- ~~11. If warranted, restricted practice – patients (25)~~
- ~~182. If warranted, Mmaintenance of patient medical record (236)~~
- ~~193. If warranted, Qen-site supervision (247)~~
- ~~14. If warranted, case-by-case review of patient (28)~~



## **§820 MENTAL OR PHYSICAL ILLNESS ~~B&P 820~~**

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. Controlled drugs – partial restriction of drug order authority (6)
2. Controlled drugs - total restriction of drug order authority (7)
3. Controlled drugs – maintain record (8)
4. Drugs – abstain from use (9)
5. Alcohol – abstain from use (10)
6. Biological fluid testing (11)
7. Diversion program (12)
8. Psychological evaluation/treatment (19)
9. Medical evaluation/treatment (20)
3. If warranted, diversion program (14)
4. If warranted, monitoring/supervision (21)
10. If warranted, restrict Prohibited practice areas –incompetence (22)
6. If warranted, restrict drug order authority (9)
7. If warranted, restricted practice – patients (25)
11. If warranted, Maintenance of patient medical records (23)
12. If warranted, On-site supervision (24)
10. If warranted, case-by-case review of patient (28)

## **§2054 & §2278 HOLDING ONESELF OUT AS A PHYSICIAN OR USE OF TITLE “DOCTOR” AND/OR “M.D.” ~~B&P 2054, 2278~~**

Minimum penalty: ~~Public Reprimand~~ Stayed revocation, at least 1 year probation

Maximum penalty: Revocation

1. If warranted, Ssuspension of at least 300 days (58)
2. Community service (13)
3. If warranted, Eeducation program (15)
3. If warranted, ethics course (17)
4. If warranted, Cclinical training program (16)
5. Ethics course
6. If warranted, Ppsychological evaluation/treatment (19)
6. If warranted, monitoring/supervision (21)
7. If warranted, Pprohibited practice areas –setting (22)
8. If warranted, Mmaintenance of patient medical records (23)
9. If warranted, On-site supervision (24)
10. If warranted, case-by-case review of patient records (28)
11. Community Service (15)

## **§2234(b) GROSS NEGLIGENCE ~~B&P 2234(b)~~**

**OR**

## **§2234(c) REPEATED NEGLIGENT ACTS ~~B&P 2234(c)~~**

**~~OR~~**

**§2234(d) INCOMPETENCE B&P 2234(d)**

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

- ~~1. Education course (16) and/or clinical training program (18)~~
- ~~12. Suspension of 60 days or more (58)~~
2. Controlled drugs – partial restriction of drug order authority (6)
3. Controlled drugs - total restriction of drug order authority (7)
4. Controlled drugs – maintain record (8)
5. Medical record keeping course (14)
6. Education course (15)
7. Clinical training program (16)
- ~~83. If warranted, Eethics course (17)~~
- ~~94. If warranted, Ppsychological evaluation/treatment (19)~~
- ~~105. If warranted, Mmedical evaluation/treatment (20)~~
- ~~6. If warranted, monitoring/supervision (21)~~
- ~~7. If warranted, restrict practice – incompetence (23)~~
118. If warranted, Pprohibited practice areas –setting (224)
- ~~9. If warranted, restrict drug order authority (9)~~
- ~~10. If warranted, DEA surrender (10a)~~
124. If warranted, Mmaintenance of patient medical records (236)
- ~~12. If warranted, restricted practice – patients (25)~~
- ~~13. If warranted, Oen-site supervision (247)~~
- ~~14. If warranted, case-by-case review of patient (28)~~

**§2234(e) & §3527(a) DISHONESTY B&P 2234(e), 3537(a)**

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

- ~~1. Ethics course (17)~~
- ~~12. Suspension of 60 days or more (58)~~
2. Controlled drugs – partial restriction of drug order authority (6)
3. Controlled drugs - total restriction of drug order authority (7)
4. Controlled drugs – maintain record (8)
5. Community service (13)
6. Ethics course (17)
- ~~73. If warranted, Ppsychological evaluation/treatment (19)~~
- ~~4. If warranted, monitoring/supervision (21)~~
- ~~5. If warranted, restrict drug order authority (9)~~
- ~~6. If warranted, surrender DEA permit (10a)~~
87. If warranted, restricted Prohibited practice areas –patients (225)
9. Maintenance of patient medical records (23)
- ~~108. If warranted, Oen-site supervision (247)~~
- ~~9. If warranted, case-by-case review of patient (28)~~
- ~~10. Community service (15)~~

## **§2235 PROCURING LICENSE BY FRAUD ~~B&P 2235~~**

Minimum penalty: Revocation

Maximum penalty: Revocation

## **§2236 & §3527(a) CRIMINAL CONVICTION ~~B&P 2236, 3527(a)~~**

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. ~~If warranted,~~ Apply appropriate other guidelines depending on nature of criminal offense.
2. ~~If warranted,~~ Suspension of 60 days or more (58)
3. ~~If warranted,~~ Ethics course (17)
4. Psychological evaluation/treatment (19)

## **§2237 & §3527(a) CONVICTION RELATED TO DRUGS ~~B&P 2237, 3527(a)~~ OR**

## **§2238 & §3527(a) VIOLATION OF DRUG STATUTES ~~B&P 2238, 3527(a)~~**

Minimum penalty: Stayed revocation 7 years probation

Maximum penalty: Revocation

NOTE: Illegal sales of controlled drugs or dispensing drugs without medical indications warrants revocation unless extensive mitigation appears.

1. ~~Maintain drug records for review (11)~~
2. ~~Education course (16)~~
3. ~~Maintenance of patient medical records (28)~~
14. ~~If warranted,~~ suspension of 60 days or more (58)
2. Controlled drugs – partial restriction of drug order authority (6)
5. ~~If warranted, revoke privilege to dispense and/or issue scheduled drug orders (9)~~
3. Controlled drugs - total restriction of drug order authority (7)
6. ~~If warranted, Surrender DEA Permit (10a)~~
4. Controlled drugs – maintain record (8)
5. Drugs – abstain from use (9)
6. Alcohol – abstain from use (10)
7. ~~If warranted,~~ Biological fluid testing (113)
8. ~~If warranted,~~ Diversion program (124)
9. ~~If warranted,~~ Community service (135)
10. Medical record keeping course (14)
11. Education course (15)
10. ~~If warranted,~~ ethics course (17)
12. ~~If warranted,~~ Clinical training program (168)
13. ~~If warranted,~~ medical or Psychological evaluation/treatment (2019)
14. Medical evaluation/treatment (20)
13. ~~If warranted,~~ monitoring/supervision (21)
15. ~~If warranted,~~ Prohibited practice areas –setting (224)

- ~~15. If warranted, restricted practice patients (25)~~
- ~~16. Maintenance of patient medical records (23)~~
- ~~17. If warranted, On-site supervision (24)~~
- ~~17. If warranted, case-by-case review of patient (28)~~
- ~~18. If warranted, maintenance and review of drug records by supervising physician (29)~~

NOTE: Outright revocation for violation for illegal sales of controlled drugs or dispensing drugs without medical indications – unless extensive mitigation appears.

**§2239 & §3527(a) SELF ABUSE OF DRUGS OR ALCOHOL ABUSE B&P 2239, 3527(a)**  
**§2280 INTOXICATION WHILE TREATING PATIENTS**

Minimum penalty: Stayed revocation, at least 7 years probation  
Maximum penalty: Revocation

- 1. Suspension of 60 days or more (5)
- ~~1. Drugs – abstain from use (10)~~
- 2. Controlled drugs – partial restriction of drug order authority (6)
- 3. Controlled drugs -total restriction of drug order authority (7)
- ~~4. Controlled drugs - Maintain drug records for review (8)~~
- 5. Drugs - abstain from use (9)
- 6. Alcohol - abstain from use (10)
- ~~7. Biological fluid testing (11)~~
- 8. Diversion program (12)
- 9. Community service (13)
- 10. Medical record keeping course (14)
- ~~11. Education course (15)~~
- 12. Clinical training program (16)
- 13. Ethics course (17)
- ~~14. If warranted, Psychological evaluation/treatment (19)~~
- ~~15. If warranted, Medical evaluation/treatment (20)~~
- ~~8. Maintenance of patient medical records (26)~~
- ~~9. If warranted, suspension of 60 days or more (8)~~
- ~~10. Surrender DEA permit (10a)~~
- ~~11. If warranted, controlled drugs – partial restriction (9)~~
- ~~12. Abstain from alcohol (12)~~
- ~~13. If warranted, community service (15)~~
- ~~14. If warranted, ethics course (17)~~
- ~~15. If warranted, clinical training program (18)~~
- ~~16. If warranted, monitoring/supervision (21)~~
- ~~17. If warranted, Prohibited practice areas – setting (22)~~
- 17. Maintenance of patient medical records (23)
- ~~18. If warranted, restrict drug order authority (9)~~
- ~~19. If warranted, restricted practice patients (25)~~
- ~~18. If warranted, On-site supervision (24)~~
- ~~21. Maintenance and review of drug records by supervising physician (29)~~

## **~~ALCOHOL ABUSE B&P 2239, 3527(a)~~**

Minimum penalty: Stayed revocation, at least 7 years probation

Maximum penalty: Revocation

- ~~1. Alcohol – abstain from use (12)~~
- ~~2. Biological fluid testing (13)~~
- ~~3. Diversion program (14)~~
- ~~4. Psychological evaluation/treatment (19)~~
- ~~5. Medical evaluation/treatment (20)~~
- ~~6. Maintenance of patient medical records (26)~~
- ~~7. If warranted, suspension of 60 days or more (8)~~
- ~~8. Drugs – abstain from use (10)~~
- ~~9. If warranted, community service (15)~~
- ~~10. If warranted, education course (16)~~
- ~~11. If warranted, ethics course (17)~~
- ~~12. If warranted, clinical training program (18)~~
- ~~13. If warranted, psychological evaluation/treatment (19)~~
- ~~14. If warranted, monitoring/supervision (21)~~
- ~~15. If warranted, prohibited practice - setting (24)~~
- ~~16. If warranted, restrict drug order authority (9)~~
- ~~17. If warranted, surrender DEA permit (10a)~~
- ~~18. If warranted, restricted practice – patients (25)~~
- ~~19. If warranted, on-site supervision (27)~~
- ~~20. If warranted, case-by-case review of patient (28)~~

## **§2241 & §3527(a) FURNISHING DRUGS OR TRANSMITTING DRUG ORDERS TO ADDICT B&P 2241, 3527(a)**

NOTE: Illegal sales of controlled drugs or dispensing drugs without medical indications warrants revocation unless extensive mitigation appears.

Minimum penalty: Stayed revocation, 5 years probation

Maximum penalty: Revocation

- ~~1. Controlled drugs – maintain record (11)~~
- ~~2. If warranted, Ssuspension of 60 days or more (58)~~
- ~~2. Controlled drugs – partial restriction of drug order authority (6)~~
- ~~3. Controlled drugs – total restriction of drug order authority (7)~~
- ~~4. Controlled drugs – maintain record (8)~~
- ~~3. DEA scheduled drugs restriction (9)~~
- ~~5. Community service (13)~~
- ~~6. If warranted, Education course (156)~~

- ~~75. If warranted, C~~linical training program (1~~68~~)
- ~~8. Ethics course (17)~~
- ~~6. If warranted, monitoring/supervision (21)~~
- ~~97. If warranted, P~~rohibited practice areas –setting (2~~24~~)
- ~~8. If warranted, restricted practice – patients (25)~~
- ~~109. If warranted, M~~aintenance of patient medical records (2~~36~~)
- ~~110. If warranted, O~~en-site supervision (2~~47~~)
- ~~11. If warranted, case-by-case review of patient (28)~~
- ~~12. Community service (15)~~
- ~~13. Surrender DEA permit (10a)~~

### **§2242 & §3527(a) ADMINISTERING OR FURNISHING DRUGS, OR TRANSMITTING DRUG ORDERS, WITHOUT PRIOR GOOD FAITH EXAMINATION B&P 2242, 3527(a)**

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

- ~~1. Education course (16)~~
- ~~2. Case-by-case review of patient (28)~~
- ~~13. If warranted, S~~suspension of at least 60 days or more (58)
- ~~2. Controlled drugs – partial restriction of drug order authority (6)~~
- ~~3. Controlled drugs - total restriction of drug order authority (7)~~
- ~~4. Controlled drugs - maintain record (8)~~
- ~~5. Education course (15)~~
- ~~64. If warranted, C~~linical training program (1~~68~~)
- ~~7. Ethics course (17)~~
- ~~5. If warranted, monitoring/supervision (21)~~
- ~~86. If warranted, restricted P~~rohibited practice areas –setting (2~~24~~)
- ~~7. If warranted, restrict written drug order authority (9)~~
- ~~8. If warranted, DEA surrender (10a)~~
- ~~9. If warranted, restricted practice – patients (25)~~
- ~~910. If warranted, M~~aintenance of patient medical records (2~~36~~)
- ~~101. If warranted, O~~en-site supervision (2~~47~~)

### **§2252 & 3527(a) ILLEGAL CANCER TREATMENT B&P 2252**

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

- ~~1. Education course (16)~~
- ~~12. If warranted, S~~suspension of 60 days or more (58)
- ~~2. Controlled drugs – partial restriction of drug order authority (6)~~
- ~~3. Controlled drugs – total restriction of drug order authority (7)~~
- ~~4. Controlled drugs – maintain record (8)~~
- ~~5. Community service (13)~~
- ~~6. Education course (15)~~
- ~~73. If warranted, C~~linical training program (1~~68~~)

8. Ethics course (17)
- ~~4. If warranted, monitoring/supervision (21)~~
- ~~95. If warranted, Prohibited practice areas –setting (224)~~
- ~~6. If warranted, restrict drug order authority (9)~~
- ~~7. If warranted, restricted practice – patients (25)~~
- ~~108. If warranted, Maintenance of patient medical records (236)~~
- ~~119. If warranted, Oen-site supervision (247)~~
- ~~10. If warranted, Cease-by-case review of patient (28)~~
- ~~11. Community service (15)~~
- ~~12. Ethics course (17)~~

**§2261 & §3527(a) MAKING OR SIGNING FALSE DOCUMENTS**

**B&P 2261, 3527(a)**

**OR**

**§2262 ALTERATION OF MEDICAL RECORDS B&P 2262**

Minimum penalty: Stayed revocation, at least ~~5~~3 years probation

Maximum penalty: Revocation

- ~~1. If warranted, Ssuspension of ~~6~~30 days or more (~~5~~8)~~
- ~~2. Controlled drugs – partial restriction of drug order authority (6)~~
- ~~3. Controlled drugs – total restriction of drug order authority (7)~~
- ~~4. Controlled drugs – maintain record (8)~~
- ~~5. Community service (13)~~
- ~~6. Medical record keeping course (14)~~
- ~~72. If warranted, Ethics course (17)~~
- ~~3. If warranted, monitoring/supervision (21)~~
- ~~84. If warranted, Prohibited practice areas –setting (224)~~
- ~~5. If warranted, restrict drug order authority (9)~~
- ~~96. If warranted, Maintenance of patient medical records (236)~~
- ~~107. If warranted, Oen-site supervision (247)~~
- ~~8. Community service (15)~~
- ~~119. If fraud involved, see “Dishonesty” guidelines~~

**§2264 & §3527(a) AIDING AND ABETTING UNLICENSED PRACTICE**

**B&P 2264, 3527(a)**

Minimum penalty: Stayed revocation, at least 3 years probation

Maximum penalty: Revocation

- ~~1. If warranted, Ssuspension of 60 days or more (~~5~~8)~~
- ~~2. If warranted, Ethics course (17)~~
- ~~3. If warranted, monitoring/supervision (21)~~
- ~~34. If warranted, restrict Prohibited practice areas –incompetence (225)-~~
- ~~4. On-site supervision (24)~~

**2266 FAILURE TO MAINTAIN ADEQUATE RECORDS**  
**3527(a) FAILURE TO MAINTAIN REQUIRED PATIENT RECORDS**

Minimum penalty: Stayed revocation, at least 3 years probation

Maximum penalty: Revocation

1. Suspension of 30 days or more (5)
2. Controlled drugs – partial restriction of drug order authority (6)
3. Controlled drugs – total restriction of drug order authority (7)
4. Controlled drugs – maintain record (8)
5. Medical record keeping course (14)
6. Maintenance of patient medical records (23)
7. On-site supervision (24)

**~~DECEPTIVE ADVERTISING B&P 2271, 651, 3527(a)~~**  
**~~PRACTICE UNDER FALSE OR FICTITIOUS NAME B&P 2285~~**

~~Minimum penalty: 90 days stayed suspension, at least 3 years probation~~

~~Maximum penalty: Revocation~~

- ~~1. Ethics course (17)~~
- ~~2. If warranted, suspension of 60 days or more (8)~~

**§2288 IMPERSONATION OF APPLICANT IN EXAM B&P 2288**

Minimum penalty: Revocation

Maximum penalty: Revocation

**~~DISCIPLINE BY ANOTHER STATE B&P 2305, 3527(a)~~**

~~Minimum penalty: Same for similar offense in California~~

~~Maximum penalty: Revocation~~

**§2306 & §3527(a) PRACTICE DURING SUSPENSION B&P 2306, 3527(a)**

~~Revocation is mandatory for a physician assistant under this statute.~~

~~Minimum penalty: Revocation~~

~~Maximum penalty: Revocation~~

**§3502.1 DRUG ORDER AUTHORITY B&P 3502.1**  
**§3527(a) ADMINISTERING, FURNISHING, OR TRANSMITTING DRUG ORDERS**  
**NOT PRESCRIBED BY SUPERVISING PHYSICIAN**

~~Minimum penalty: Public Repeval~~ Stayed Revocation, at least 1 year probation

~~Maximum penalty: Revocation~~

- ~~1. Maintenance of patient medical records (26)~~
- ~~12. If warranted, Ssuspension of 630 days or more (58)~~



- 2. Controlled drugs – partial restriction of drug order authority (6)
- 3. Controlled drugs - total restriction of drug order authority (7)
- 4. Controlled drugs - maintain record (8)
- 53. If warranted, Education course (156)
- 4. If warranted, ethics course (17)
- 65. If warranted, Clinical training program (168)
- 7. Ethics course (17)
- 6. If warranted, monitoring/supervision (21)
- 87. If warranted, Prohibited practice areas –setting (224)
- 8. If warranted, restrict drug order authority (9)
- 9. If warranted, surrender DEA permit (10a)
- 10. If warranted, restricted practice – patients (25)
- 9. Maintenance of patient medical records (23)
- 104. If warranted, On-site supervision (247)

## **~~ADMINISTERING, FURNISHING, OR TRANSMITTING PRESCRIPTIONS NOT PRESCRIBED BY SUPERVISING PHYSICIAN B&P 3527(a)~~**

**~~§3527(a) PRACTICING MEDICINE WITHOUT DELEGATED AUTHORITY FROM A  
SUPERVISING PHYSICIAN BP 3527(a)~~**

**~~§3527(a) EXCEEDING DELEGATED SCOPE OF PRACTICE  
BP 3527(a)~~**

**~~§3527(a) PRACTICING WITHOUT ADEQUATE SUPERVISION  
B&P 3527(a)~~**

Minimum penalty: Stayed revocation, at least 3 years probation

Maximum penalty: Revocation

- 1. Maintenance of patient medical records (26)
- 12. If warranted, Suspension of 60 days or more (58)
- 2. Controlled drugs – partial restriction of drug order authority (6)
- 3. Controlled drugs – total restriction of drug order authority (7)
- 4. Controlled drugs – maintain record (8)
- 53. If warranted, Education course (156)
- 4. If warranted, ethics course (17)
- 65. If warranted, Clinical training program (168)
- 7. Ethics course (17)
- 6. If warranted, monitoring/supervision (21)
- 87. If warranted, Prohibited practice areas –setting (224)
- 8. If warranted, restrict drug order authority (9)
- 9. If warranted, restricted practice – patients (25)
- 9. Maintenance of patient medical records (23)
- 10. If warranted, On-site supervision (247)

**~~§3527(a) FAILURE TO REPORT CHILD/ELDER/SPOUSAL ABUSE OR OTHER  
FAILURE TO REPORT UNDER PENAL CODE SECTIONS 11160 OR 11166 B&P  
3527(a)~~**

Minimum penalty: Stayed revocation, at least 1 year probation  
Maximum penalty: Revocation

- ~~1. If warranted, S~~suspension of at least ~~6~~30 days or more (~~5~~8)
- ~~2. If warranted, E~~education course (~~1~~56)
- ~~3. If warranted, ethics course~~ (~~1~~7)
- ~~34. If warranted, C~~linical training program (~~1~~68)
- ~~4. Ethics course~~ (~~1~~7)
- ~~5. If warranted, monitoring/supervision~~ (~~2~~1)
- ~~58. If warranted, restricted~~ Prohibited practice areas ~~–patients~~ (~~2~~25)
- ~~69. If warranted, M~~maintenance of patient medical records (~~2~~36)
- ~~740. If warranted, O~~on-site supervision (~~2~~47)

### **§3527 (c) FAILURE TO FOLLOW GUIDELINES FOR PREVENTION OF BLOOD BORNE PATHOGENS** ~~**B&P 3527 (c)**~~

Minimum penalty: Stayed revocation, at least 1 year probation  
Maximum penalty: Revocation

- ~~1. Education course~~ (~~1~~6)
- ~~12. If warranted, S~~suspension of at least ~~6~~30 days or more (~~5~~8)
- ~~2. Education course~~ (~~1~~5)
- ~~3. If warranted, ethics course~~ (~~1~~7)
- ~~34. If warranted, C~~linical training program (~~1~~68)
- ~~4. Ethics course~~ (~~1~~7)
- ~~5. If warranted, monitoring/supervision~~ (~~2~~1)
- ~~56. If warranted, restricted~~ Prohibited practice areas ~~–patients~~ (~~2~~25)
- ~~67. If warranted, M~~maintenance of patient medical records (~~2~~36)
- ~~78. If warranted, O~~on-site supervision (~~2~~47)
- ~~9. If warranted, case-by-case review of patient records~~ (~~2~~8)

### **FAILURE TO MAINTAIN REQUIRED PATIENT RECORDS** ~~**B&P 3527(a)**~~

~~Minimum penalty: Stayed revocation, at least 3 years probation~~  
~~Maximum penalty: Revocation~~

- ~~— 1. Clinical training program~~ (~~1~~8)
- ~~— 2. If warranted, suspension of 60 days or more~~ (~~8~~)
- ~~— 3. If warranted, monitoring/supervision~~ (~~2~~1)
- ~~— 4. If warranted, prohibited practice – setting~~ (~~2~~4)
- ~~— 5. If warranted, restrict drug order authority~~ (~~9~~)
- ~~— 6. If warranted, restricted practice – patients~~ (~~2~~5)
- ~~— 7. If warranted, maintenance of patient medical records~~ (~~2~~6)
- ~~— 8. If warranted, on-site supervision~~ (~~2~~7)
- ~~— 9. Case-by-case review of patient records~~ (~~2~~8)

**§3527(a) & CCR 1399.541(i) PERFORMANCE OF SURGICAL PROCEDURES  
REQUIRING ANESTHESIA OTHER THAN LOCAL ANESTHESIA WITHOUT  
PERSONAL PRESENCE OF THE SUPERVISING PHYSICIAN ~~B&P 3527(a),  
1399.541(i)~~**

Minimum penalty: Stayed revocation, 5 years probation  
Maximum penalty: Revocation

- ~~1. Education course (16)~~
- ~~2. Clinical training program (18)~~
- ~~13. If warranted, Ssuspension of 60 days or more (58)~~
- ~~2. Education course (15)~~
- ~~3. Clinical training program (16)~~
- ~~4. Ethics course (17)~~
- ~~4. If warranted, monitoring/supervision (21)~~
- ~~5. If warranted, Pprohibited practice areas –setting (224)~~
- ~~6. If warranted, restricted practice –patients (25)~~
- ~~67. If warranted, Mmaintenance of patient medical records (236)~~
- ~~78. If warranted, Qon-site supervision (247)~~
- ~~9. If warranted, case-by-case review of patient records (28)~~

**Government Code 11519(b) VIOLATION OF PROBATION ~~Government Code  
11519(b)~~**

Minimum penalty: Impose an ~~actual period of suspension~~ extension of probation  
Maximum penalty: Impose penalty that was stayed

The maximum penalty should be given for repeated similar offenses or for probation violations revealing a cavalier or recalcitrant attitude. Other violations of probation should draw an extension of probation and/or ~~at least~~ a period of actual suspension.

## Index of Model Disciplinary Orders

<b><u>Number</u></b>	<b><u>Model Disciplinary Orders</u></b>	<b><u>Page</u></b>
<del>1</del> .....	<del>Public Reproval</del> .....	<del>19</del>
<del>12</del> .....	<del>Revocation - single cause</del> .....	<del>196</del>
<del>23</del> .....	<del>Revocation - multiple causes</del> .....	<del>196</del>
<del>3</del> .....	<del>Probationary License</del> .....	<del>16</del>
<del>4</del> .....	<del>Suspension - single cause</del> .....	<del>19</del>
<del>5</del> .....	<del>Suspension - multiple causes (run concurrently)</del> .....	<del>19</del>
<del>6</del> .....	<del>Suspension - multiple causes (run consecutively)</del> .....	<del>19</del>
<del>47</del> .....	<del>Standard stay order</del> .....	<del>2016</del>

<b><u>Number</u></b>	<b><u>Optional Conditions</u></b>	<b><u>Page</u></b>
<del>58</del> .....	<del>Actual Suspension</del> .....	<del>2016</del>
<del>69</del> .....	<del>Controlled drugs - partial restriction <u>of drug order authority</u></del> .....	<del>2016</del>
<del>10</del> .....	<del>Drugs - abstain from use/exemption for personal illness</del> .....	<del>20</del>
<del>10a</del> ...	<del>Controlled drugs - surrender of DEA permit</del> .....	<del>20</del>
<del>7</del> .....	<del>Controlled drugs - total restriction of drug order authority</del> .....	<del>17</del>
<del>811</del> ....	<del>Controlled drugs - maintain record</del> .....	<del>2017</del>
<del>9</del> .....	<del>Drugs - abstain from use</del> .....	<del>17</del>
<del>102</del> ....	<del>Alcohol - abstain from use</del> .....	<del>218</del>
<del>113</del> ....	<del>Biological fluid testing</del> .....	<del>218</del>
<del>124</del> ....	<del>Diversion program</del> .....	<del>218</del>
<del>135</del> ....	<del>Community services - free service</del> .....	<del>218</del>
<del>14</del> .....	<del>Medical record keeping course</del> .....	<del>18</del>
<del>156</del> ....	<del>Education course</del> .....	<del>219</del>
<del>17</del> .....	<del>Ethics course</del> .....	<del>21</del>
<del>168</del> ....	<del>Clinical training program</del> .....	<del>219</del>
<del>17</del> .....	<del>Ethics course</del> .....	<del>20</del>
<del>18</del> .....	<del>Professional boundaries program</del> .....	<del>20</del>
<del>19</del> .....	<del>Psychological evaluation/treatment</del> .....	<del>221</del>
<del>20</del> .....	<del>Medical evaluation/treatment</del> .....	<del>22</del>
<del>21</del> .....	<del>Monitoring/supervision</del> .....	<del>23</del>
<del>212</del> ....	<del>Third party <u>chaperone</u> presence - sexual transgressors</del> .....	<del>232</del>
<del>223</del> ....	<del>Restrict Prohibited practice <u>areas</u> - incompetence</del> .....	<del>243</del>
<del>24</del> .....	<del>Prohibited practice - setting</del> .....	<del>24</del>
<del>25</del> .....	<del>Restricted practice - patients</del> .....	<del>24</del>
<del>236</del> ....	<del>Maintenance of patient medical records</del> .....	<del>243</del>
<del>247</del> ....	<del>On-site supervision</del> .....	<del>243</del>
<del>28</del> .....	<del>Case-by-case review of patient</del> .....	<del>24</del>
<del>29</del> .....	<del>Maintenance and review of drug records by supervising physician</del> ....	<del>24</del>
<del>30</del> .....	<del>Notification of employer and supervising physician</del> .....	<del>25</del>
<del>31</del> .....	<del>File monthly probation reports</del> .....	<del>25</del>

<b><u>Number</u></b>	<b><u>Standard Conditions</u></b>	<b><u>Page</u></b>
<del>25</del> .....	<del>Approval of supervising physician</del> .....	<del>23</del>
<del>26</del> .....	<del>Notification of employer and supervising physician</del> .....	<del>24</del>
<del>2732</del> ..	<del>Obey all laws</del> .....	<del>254</del>
<del>2833</del> ..	<del>Quarterly reports</del> .....	<del>254</del>
<del>2934</del> ..	<del>Other probation requirements</del> Surveillance program.....	<del>254</del>

<del>305</del> .....	Interview with medical consultant .....	<del>254</del>
<del>316</del> .....	Tolling for out-of-state practice or residence .....	<del>265</del>
<del>32</del> .....	<i>Failure to practice as a physician assistant – California resident</i> .....	<del>25</del>
<del>37</del> .....	Initial probation interview .....	<del>26</del>
<del>338</del> .....	Unannounced clinical site visit .....	<del>265</del>
<del>34</del> .....	<i>Condition fulfillment</i> .....	<del>25</del>
<del>359</del> .....	Completion of probation .....	<del>26</del>
<del>3640</del> ...	Violation of probation .....	<del>26</del>
<del>3744</del> ...	Cost recovery .....	<del>26</del>
<del>38</del> .....	<i>Probation monitoring costs</i> .....	<del>26</del>
<del>3942</del> ...	Voluntary license surrender .....	<del>26</del>

## Model Disciplinary Orders

Number      Model Disciplinary Order

1. Public Repeval  
Respondent \_\_\_\_\_ P.A., shall be, and hereby is, publicly reproved.
- ~~12.~~      ~~Revocation - single cause~~  
~~License number \_\_\_\_\_ issued to respondent \_\_\_\_\_ is revoked.~~
- ~~23.~~      ~~Revocation - multiple causes~~  
~~License number \_\_\_\_\_ issued to respondent \_\_\_\_\_ is revoked pursuant to Determination of Issues \_\_\_\_\_ (e.g. I, II, and III), separately and for all of them.~~
3.      *The application of \_\_\_\_\_ for an unrestricted license as a physician assistant is hereby denied. However, a probationary license shall be issued to respondent subject to the following terms and conditions.*
  1. Respondent is placed on probation for \_\_\_\_\_ years, beginning on the date respondent is issued a probationary license.

*NOTE: A probationary license may only be issued for an initial license. Distinguish a probationary license from a license issued on probation. The former is not a disciplinary license although the terms of the probationary license would always be disclosed. The latter is a disciplinary action and, even after the term of probation is completed, will be reported as a prior disciplinary action.*
4. Suspension – single cause  
License number \_\_\_\_\_ issued to respondent \_\_\_\_\_ is suspended.
- ~~5.~~      ~~Suspension – multiple causes (run concurrently)~~  
~~License number \_\_\_\_\_ issued to respondent \_\_\_\_\_ is suspended pursuant to Determination of Issues \_\_\_\_\_, separately and for all of them. All suspensions shall run concurrently.~~
- ~~6.~~      ~~Suspension – multiple causes (run consecutively)~~

\_\_\_\_ License number \_\_\_\_\_ issued to respondent \_\_\_\_\_ is suspended pursuant to Determination of Issues \_\_\_\_\_. These suspensions shall run consecutively, for a total period of \_\_\_\_\_.

\_\_\_\_ NOTE: Total suspension may not exceed one year. B&P 2372(b). \_\_\_\_\_

47. Standard Stay Order

However, the revocation it is stayed and respondent is placed on probation for \_\_\_\_ years upon the following terms and conditions.

<b>Number</b>	<b>Optional Conditions</b>
---------------	----------------------------

58. Actual Suspension

As part of probation, respondent is suspended from the practice of medicine as a physician assistant for \_\_\_\_\_ beginning the effective date of this decision.

69. Controlled Drugs - Partial Restrictions of Drug Order Authority

Respondent shall not administer, issue a drug order, or hand to a patient or possess any controlled substances as defined by the California Uniform Controlled Substances Act, except for those drugs listed in Schedules(s) \_\_\_\_\_ of the Act.

Respondent shall immediately surrender respondent's current DEA permit to the Drug Enforcement Administration for cancellation and re-apply for a new DEA permit limited to those Schedules authorized by this order. Within 15 calendar days after the effective date of this Decision, respondent shall submit proof that respondent has surrendered respondent's DEA permit to the Drug Enforcement Administration for cancellation and re-issuance. Within 15 calendar days after the effective date of issuance of a new DEA permit, the respondent shall submit a true copy of the permit to the committee or its designee.

~~10. Drugs - Abstain from Use/Exemption for Personal Use~~

~~Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription.~~

~~Orders forbidding respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by another practitioner.~~

740a. Controlled Drugs – Total Restriction of Drug Order Authority Surrender of DEA Permit

Respondent shall not administer, issue a drug order, or hand to a patient or possess any controlled substances as defined by the California Uniform Controlled Substances Act.

Respondent is prohibited from practicing as a physician assistant until respondent provides documentary proof to the committee or its designee that respondent's DEA permit has been surrendered to the Drug Enforcement Administration for cancellation;

~~together with any triplicate prescription forms and federal order forms.~~ Respondent shall surrender all controlled substance order forms to the supervising physician. Thereafter, respondent shall not reapply for a new DEA permit without the prior written consent of the committee or its designee.

814.    Controlled Drugs - Maintain Record

Respondent shall maintain a record of all controlled substances administered, transmitted orally or in writing on a patient's record or handed to a patient by the respondent during probation showing all the following: 1) the name and address of the patient, 2) the date, 3) the character and quantity of controlled substances involved, and 4) the indications and diagnosis for which the controlled substance was furnished, 5) the name of supervising physician prescriber.

Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for immediate inspection and copying by the ~~Physician Assistant Committee~~ or its designee, upon request and without charge.

Option

The supervising physician shall review, sign, and date the controlled substances record (e.g., daily, weekly, monthly).

910.    Drugs - Abstain from Use

Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription.

Orders forbidding respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by another practitioner.

Within 15 calendar days of receiving any lawful prescription medications, respondent shall notify the committee or its designee of the issuing practitioner's name, address, telephone number, medication name, strength, issuing pharmacy name, address, and telephone number.

1012.    Alcohol - Abstain from Use

Respondent shall abstain completely from the use of products or beverages ~~alcohol~~ containing alcohol ~~products and beverages~~.

113.    Biological Fluid Testing

Respondent shall immediately submit to biological fluid testing upon the request of the ~~Physician Assistant Committee~~ or its designee. Respondent shall pay ~~the~~ the cost of biological fluid testing ~~shall be borne by respondent~~.

124. Diversion Program

Within 30 days of the effective date of this decision, respondent shall enroll and participate in the ~~Physician Assistant C~~committee's Diversion Program until the program committee or its designee determines that further treatment and rehabilitation is no longer necessary. ~~Respondent shall participate in program at own expense. Quitting the program without permission or being expelled for cause shall constitute a violation of probation by respondent.~~ Respondent shall successfully complete the program. The program determines whether or not respondent successfully completes the program.

Respondent shall pay all costs of the program

If the program determines that respondent is a danger to the public, upon notification from the program, respondent shall immediately cease practicing as a physician assistant until notified in writing by the committee or its designee that respondent may resume practice. The period of time that respondent is not practicing shall not be counted toward completion of the term of probation.

135. Community Services ~~Free Services~~

Within 60 days of the effective date of this decision, respondent shall submit to the ~~Physician Assistant C~~committee or its designee for its prior approval a community service program in which respondent shall, within the first 2 years of probation, provide hours of free medical services (medical or non-medical) on a regular basis to a community or non-profit organization charitable facility or agency for at least hours a month for the first \_\_\_\_ months of probation.

Prior to engaging in any community service, respondent shall provide a true copy of the decision to the chief of staff, director, office manager, program manager, officer, or the chief executive officer at every community or non-profit organization where respondent provides community service. Respondent shall submit proof of compliance to the committee or its designee within 15 calendar days of completion of the community service. This condition shall also apply to any change(s) in community service.

(NOTE: In quality of care cases, only non-medical community service is allowed.)

14. Medical Record Keeping Course

Within 60 calendar days of the effective date of this decision, respondent shall enroll in a course in medical record keeping approved in advance by the committee or its designee. The course shall be Category I certified, limited to classroom, conference, or seminar settings. Respondent shall successfully complete the course within the first 6 months of probation.

Respondent shall pay the cost of the course.

Respondent shall submit a certification of successful completion to the committee or its designee within 15 days after completing the course.

156. Education Course



Within ~~90~~ 60 days of the effective date of the decision, ~~and on an annual basis thereafter,~~ respondent shall submit to the ~~Physician Assistant C~~ committee or its designee for its prior approval an educational program or course from an accredited program which shall not be less than \_\_\_ hours of Category 1 CME ~~[total hours to be determined by multiplying 50 times the number of years of probation].~~ The education course shall be aimed at correcting any areas of deficient practice or knowledge. The course shall be Category I certified, limited to classroom, conference, or seminar settings. Respondent shall successfully complete the course within the first year of probation. Respondent shall participate in education course at own expense. Respondent shall provide proof of attendance and satisfactory completion of the ~~continuing medical education.~~

Respondent shall pay the cost of the course.

Respondent shall submit a certification of successful completion to the committee or its designee within 15 days after completing the course.

(NOTE: If violations include drug orders, at least one course shall be required in pharmacology and appropriate drug orders.)

17. ~~Ethics Course~~

~~Within 90 days of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval a course in ethics, which respondent shall successfully complete during the first year of probation. Respondent shall participate in ethics course at own expense.~~

168. Clinical Training Program

Within ~~90~~ 60 days of the effective date of this decision, respondent shall submit to the committee or its designee for prior approval, a clinical training or educational program such as the Physician Assessment and Clinical Education Program (PACE) offered by the University of California – San Diego School of Medicine or equivalent program as approved by the committee or its designee. The exact number of hours and specific content of the program shall be determined by the committee or its designee. Respondent shall bear the cost of this program.

Respondent shall pay the cost of the program.

If the program makes recommendations for the scope and length of any additional educational or clinical training, treatment for any medical or psychological condition, or anything else affecting respondent's practice as a physician assistant, respondent shall comply with the program recommendations and pay all associated costs.

Respondent shall successfully complete the program not later than six months after respondent's initial enrollment. The program determines whether or not the respondent successfully completes the program.

If respondent fails to complete the program within the designated time period, respondent shall cease practicing as a physician assistant immediately after being notified by the committee or its designee.

**Option 1: Condition Precedent**

Respondent shall not practice as a physician assistant until respondent has successfully completed the program and has been so notified by the committee or its designee in writing, except that respondent may practice only in the program.

(NOTE: This program is for physician assistants who have demonstrated deficiencies either in medical skills or medical knowledge but do not constitute a present danger to patients.)

**17. Ethics Course**

Within 60 days of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval a course in ethics. The course shall be limited to classroom, conference, or seminar settings. Respondent shall successfully complete the course within the first year of probation.

Respondent shall pay the cost of the course.

Respondent shall submit a certification of successful completion to the committee or its designee within 15 days after completing the course.

**18. Professional Boundaries Program**

Within 60 calendar days from the effective date of this decision, respondent shall enroll in a professional boundaries program equivalent to the Professional Boundaries Program, Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine ("Program").

Respondent shall pay the cost of the program.

Respondent shall, at the program's discretion, undergo and complete the program's assessment of respondent's competency, mental health and/or neuropsychological performance, and at a minimum, a 24 hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the decision, accusation, and any other information that the committee or its designee deems relevant. The program shall evaluate respondent at the end of the training and the program shall provide any data from the assessment and training as well as the results of the evaluation to the committee or its designee.

Respondent shall successfully complete the entire program not later than six months after respondent's initial enrollment. Based on respondent's performance in and evaluations from the assessment, education, and training, the program shall advise the committee or its designee of its recommendation(s) for additional education, training, psychotherapy and other measures necessary to ensure that respondent can practice medicine safely. Respondent shall comply with the program recommendations. At the completion of the program, respondent shall submit to a final evaluation. The program shall provide the results of the evaluation to the committee or its designee.

The program determines whether or not the respondent successfully completes the program.

If respondent fails to complete the program within the designated time period, respondent shall cease practicing as a physician assistant immediately after being notified by the committee or its designee.

**Option 1: Condition Precedent**

Respondent shall not practice as a physician assistant until respondent has successfully completed the program and has been so notified by the committee or its designee in writing.

19. Psychological Evaluation/Treatment

Within 60 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the committee or its designee, respondent shall undergo a psychological evaluation by ~~the~~ a committee-appointed psychological evaluator who shall furnish a psychological report and recommendations to the committee or its designee.

(Optional) ~~If a respondent is determined to be unable to practice independently and safely, he/she shall immediately cease practice as a physician assistant and shall not resume practice until notified by the committee or its designee. Respondent shall not engage in any practice for which a physician assistant license is required until the committee or its designee has notified the respondent of its determination that respondent may resume practice.~~

Following the evaluation, respondent shall comply with all restrictions or conditions recommended by the evaluating physician within 15 calendar days after notification by the committee or its designee.

~~If~~ Respondent is may, based on the evaluator's report and recommendations, be required by the committee or its designee to undergo psychological treatment; Upon notification, respondent shall within 30 days ~~of the requirement notice~~ submit to the committee for its prior approval the name and qualifications of a psychological ~~evaluator~~ practitioner of respondent's choice. Upon approval of the treating psychological ~~evaluator~~ practitioner, respondent shall undergo and continue psychological treatment until further notice from the committee or its designee. Respondent shall have the treating psychological ~~evaluator~~ practitioner submit quarterly status reports to the committee or its designee indicating whether the respondent is capable of practicing medicine safely. ~~The cost of psychological evaluation/treatment shall be borne by respondent.~~

Respondent shall pay the cost of all psychological evaluations and treatment.

If the evaluator or treating practitioner determines that the respondent is a danger to the public, upon notification, respondent shall immediately cease practicing as a physician assistant until notified in writing by the committee or its designee that respondent may resume practice.

(Optional) Respondent shall not engage in the practice of medicine as a physician assistant until notified by the committee or its designee of its determination that respondent is mentally fit to practice safely.

**Option: Condition Precedent**

Respondent shall not practice as a physician assistant until a psychological evaluation has been conducted and respondent is notified in writing by the committee or its designee that respondent may resume practice. The period of time that respondent is not practicing shall not be counted toward completion of the term of probation.

(NOTE: This condition is for those cases where the evidence demonstrates that mental illness or disability was a contributing cause of the violations.)

20. Medical Evaluation/Treatment

Within ~~360~~ days of the effective date of this decision, and on a periodic basis thereafter as may be required by the committee or its designee, respondent shall undergo a medical evaluation ~~and/or treatment~~ by a committee-appointed physician who shall ~~furnish~~ a medical report and recommendations to the committee or its designee. The ~~cost of medical evaluation and/or treatment shall be borne by respondent.~~

(Optional) If respondent is determined to be unable to practice independently and safely, he/she shall immediately cease practice and shall not resume practice until notified by the committee or its designee. Respondent shall not engage in any practice for which a license is required until the committee or its designee has notified the respondent of its determination that respondent may resume practice.

Following the evaluation, respondent shall comply with all restrictions or conditions recommended by the evaluating physician within 15 calendar days after notification by the committee or its designee.

If ~~Respondent~~ may, based on the evaluator's report and recommendations, be is required by the committee or its designee to undergo medical treatment, Upon notification, respondent shall within 30 days of the requirement notice submit to the ~~committee designee~~ for its prior approval the name and qualifications of a physician of respondent's choice. Upon approval of the treating physician, respondent shall undergo and continue medical treatment until further notice from the committee or its designee. Respondent shall have the treating physician submit quarterly reports to the committee or its designee.

Respondent shall pay the cost of all evaluations and treatment.

**Option: Condition Precedent**

Respondent shall not practice as a physician assistant until the medical evaluation has been conducted and respondent has been notified in writing by the committee or its designee that respondent may resume practice. The period of time that respondent is not practicing shall not be counted toward completion of the term of probation.

(Optional) ~~Respondent shall not engage in the practice of medicine as a physician assistant until notified by the committee or its designee of its determination that respondent is medically fit to practice safely.~~

*(NOTE: This condition is for those cases where the evidence demonstrates that medical illness or disability was a contributing cause of the violations.)*

(Optional) ~~If warranted, within 30 days of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval the name and qualifications of a physician of respondent's choice. Upon approval, respondent shall undergo and continue treatment until the committee deems that no further medical treatment is necessary. Respondent shall have the treating physician submit quarterly status reports to the committee. The committee may require respondent to undergo periodic medical evaluations by a committee-appointed physician.~~

~~The cost of medical treatment shall be borne by the respondent.~~

*(NOTE: This condition is for those cases where there is evidence that medical illness or disability was a contributing cause of the violations but the respondent is not at present a danger to his/her patients.)*

## 21. Monitoring / Supervision

~~Within 30 days of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval a plan of practice in which respondent's practice shall be monitored by a supervising physician responsible for patients treated by the physician assistant.~~

~~If the supervising physician/monitor resigns or is no longer available, respondent shall, within 15 days, move to have a new supervising physician/monitor appointed, through nomination by respondent and approval by the committee. Respondent shall not practice as a physician assistant until supervising physician is approved by the committee.~~

## 212. Third Party Chaperone Presence— Sexual Transgressors

During probation, respondent shall have a third party present at all time while consulting, examining or treating \_\_\_\_\_ (e.g. male, female, minor) patients.

(Optional) ~~The third party shall be present at all times during the treatment and examination.~~ It shall be recorded in the patient record that the third party was present at all times during the consultation, treatment and examination of a patient. The Said notation shall be signed by both the respondent and the third party. The respondent shall also maintain a separate log, to be available for immediate inspection on a random and unannounced basis by the committee or its designee. Said The log shall include the names of all patients that the respondent consults, examines and/or treats, the date of examination and/or treatment, and the name of the third party present in the room during the examination and/or treatment. Each entry in the log shall be signed and dated by the respondent and the third party.

(Optional) Respondent shall, within 30 days of the effective date of the decision, submit to the committee or its designee for its approval name(s) of persons who will act as the third party present. The respondent shall execute a release authorizing the third party(s) present to divulge any information that the committee may request during the interviews on a periodic basis by the probation monitor.

(NOTE: This provision should be included where violations found had a sexual component Sexual transgressors will be placed in a monitored/supervised environment. See model number 22.)

223. Restrict Prohibited Practice Areas —Incompetence

During probation, respondent is prohibited from practicing \_\_\_\_\_ (e.g., practicing, performing, or treating) \_\_\_\_\_ (e.g. a specific medical procedure; surgery; on a specific population).

(NOTE: ~~Describe restrictions from performing specific medical procedures.~~)

24. ~~Prohibited Practice~~ —Setting

~~During probation respondent may/may not practice in the following settings:~~

25. ~~Restricted Practice~~ —Patients

~~Respondent is restricted from practicing on the following categories of patients:~~

236. Maintenance of Patient Medical Records

Respondent shall keep written medical records for each ~~on all~~ patient contacts (including all visits and phone calls).

All medical records originated by the respondent shall be reviewed, initialed, and dated daily by supervising physician.

This condition shall be required for \_\_\_\_\_ (e.g. first/etc. year of probation).

247. On-Site Supervision

~~Respondent shall have at all times on-site supervision by a supervising physician.~~

**Option 1**

The supervising physician shall be on site at all times respondent is practicing.

**Option 2**

The supervising physician shall be on site at least 50% of the time respondent is practicing.

**Option**

Patient's condition shall be reviewed by supervising physician prior to patient leaving facility. This condition shall be required for \_\_\_\_\_ (e.g., first/etc. year of probation).

28. Case-by-Case Review of Patient

~~All medical records originated by the respondent shall be reviewed, initialed, and dated daily by supervising physician on a case-by-case basis.~~

~~Patient's condition shall be reviewed by supervising physician prior to patient leaving facility.~~

~~This condition shall be required for \_\_\_\_\_ (e.g. first/etc. year of probation).~~

~~29. Maintenance and Review of Drug Records by Supervising Physician~~

~~Respondent shall have partial restriction with maintenance and review of drug records by supervising physician. The following restrictions shall apply: \_\_\_\_\_.~~

~~30. Notification of Employer and Supervising Physician~~

~~Respondent shall notify his/her current and any subsequent employer and supervising physician(s) of his/her discipline and provide each a copy of the Stipulation, Decision, and Order to each such employer and supervising physician(s) during his/her period of probation, at onset of that employment. Respondent shall ensure that each employer informs the Physician Assistant Committee, or its agent, in writing within thirty (30) days, verifying that the employer and supervising physician(s) has been informed of this Stipulation and Order.~~

~~31. File Monthly Probation Reports~~

~~Respondent shall submit monthly declarations under penalty of perjury on forms provided by the committee or its designee, stating whether there has been compliance with all the conditions of probation.~~

~~Number \_\_\_\_\_~~ **Standard Conditions**  
**(TO BE INCLUDED IN ALL CASES OF PROBATION)**

25. Approval of Supervising Physician

Within 30 days of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval the name and license number of the supervising physician and a practice plan detailing the nature and frequency of supervision to be provided. Respondent shall not practice until the supervising physician and practice plan are approved by the committee or its designee.

Respondent shall have the supervising physician submit quarterly reports to the committee or its designee.

If the supervising physician resigns or is no longer available, respondent shall, within 15 days, submit the name and license number of a new supervising physician for approval.

26. Notification of Employer and Supervising Physician

Respondent shall notify his/her current and any subsequent employer and supervising physician(s) of the discipline and provide a copy of the accusation, decision, and order to each employer and supervising physician(s) during his/her period of probation, at onset of that employment. Respondent shall ensure that each employer informs the committee or its designee, in writing within 30 days, verifying that the employer and supervising physician(s) have received a copy of accusation, decision, and order.

327 Obey All Laws

Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine as a physician assistant in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

~~3328~~—Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the committee or its designee, stating whether there has been compliance with all the conditions of probation.

~~3429~~. Other Probation Requirements ~~Surveillance Program Compliance~~

Respondent shall comply with the committee's probation unit surveillance program. Respondent shall, at all times, keep the committee and probation unit informed of respondent's ~~his or her~~ addresses of business and residence addresses ~~which shall both serve as addresses of record~~. Changes of such addresses shall be immediately communicated in writing to the committee and probation unit. Under no circumstances shall a post office box serve as an address of record, except as allowed by California Code of Regulations 1399.523.

Respondent shall appear in person for an initial probation interview with committee or its designee within 90 days of the decision. Respondent shall attend the initial interview at a time and place determined by the committee or its designee.

Respondent shall, at all times, maintain a current and renewed physician assistant license.

Respondent shall also immediately inform ~~the committee~~ probation unit, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

~~305~~. Interview with Medical Consultant

Respondent shall appear in person for interviews with the committee's medical or expert physician assistant consultant upon request at various intervals and with reasonable notice.

~~316~~. Tolling for Out-of-State Practice or Residence

The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the



jurisdiction of California to reside or practice elsewhere, including federal facilities, respondent is required to immediately notify the committee in writing of the date of departure, and the date of return, if any.

Respondent's license shall be automatically canceled if respondent's period of temporary or permanent residence or practice outside California totals two years. Respondent's license shall not be canceled as long as respondent is residing and practicing as a physician assistant in another state of the United States and is on active probation with the physician assistant licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

~~37.~~ Initial Probation Interview—

~~Respondent shall appear in person for an initial interview with a designee of the PAC within 90 days of the final decision. Respondent shall subject himself/herself to an initial interview at a time and place determined by the committee or its designee.~~

32. Failure to Practice as a Physician Assistant – California Resident

In the event respondent resides in California and for any reason respondent stops practicing as a physician assistant in California, respondent shall notify the committee or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding 30 calendar days in which respondent is not practicing as a physician assistant.

All time spent in a clinical training program that has been approved by the committee or its designee, shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a committee ordered suspension or in compliance with any other condition or probation, shall not be considered a period of non-practice.

Respondent's license shall be automatically canceled if, for a total of two years, respondent resides in California and fails to practice as a physician assistant.

~~338.~~ Unannounced Clinical Site Visit

~~At least once per calendar year or more frequently as determined by the committee or its designee may make unannounced clinical site visits at any time by shall be made by the committee or its designee to ensure that respondent is complying with all terms and conditions of probation.~~

34. Condition Fulfillment

A course, evaluation, or treatment completed after the acts that gave rise to the charges in the accusation but prior to the effective date of the decision may, in the sole discretion of the committee or its designee, be accepted towards the fulfillment of the condition.

359. Completion of Probation

Respondent shall comply with all financial obligations (e.g., cost recovery, probation costs) no later than 60 calendar days prior to the completion of probation.

Upon successful completion of probation as determined by the committee's executive officer, respondent's license will be fully restored.

3640. Violation of Probation

If respondent violates probation in any respect, the committee after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the committee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

3741. Cost Recovery

The respondent is hereby ordered to reimburse the Physician Assistant Committee the amount of \$\_\_\_\_\_ within 90 days from the effective date of this decision for its investigative costs. Failure to reimburse the committee's costs for its investigation shall constitute a violation of the probation order, unless the committee agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his/her responsibility to reimburse the committee for its investigative costs.

(NOTE: Most physician assistant cost recovery orders are paid on an installment plan.)

38. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the committee, which may be adjusted on an annual basis. The costs shall be made payable to the Physician Assistant Committee and delivered to the committee no later than January 31 of each calendar year.

4039. Voluntary License Surrender

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntarily surrender ~~tender his/her of~~ respondent's license to the committee. The committee reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender ~~tendered~~ license, respondent shall within 15 days deliver respondent's wallet and wall certificate to the committee or its designee and shall no longer practice as a physician assistant. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for a physician assistant license, the application shall be treated as a petition for reinstatement of a revoked license.

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~~If you require additional information or clarification of the contents of this document, please contact the Physician Assistant Committee (PAC) at (916) 561-8780 or by fax at (916) 263-2671.~~

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Adopted ~~July 2002~~ February 2007